

REMARKS

Receipt is acknowledged of the Office Action of November 29, 2002.

Reconsideration is respectfully sought.

A Request of Continued Examination (RCE) is submitted together with this Amendment. The Examiner is authorized to debit the fee for the Request of Continued Examination, as well as any other necessary fees, from our deposit account, Account No. 02-2105.

The Examiner rejected Claims 11-13 under 35 U.S.C. 101 as claiming the same invention as that of Claims 1 and 10 of prior U.S. Patent No. 6,020,586. Specifically, the Examiner stated that the limitation as recited in part (d) of Claim 1 of Patent No. 6,020,586 is considered to be inherent in Claim 11 of the pending application, since the multipole ion guide is two-dimensional and used to trap ions in and release ions from the ion guide. The applicant wishes to point out, however, that the pending claim 11 recites a "two dimensional multipole ion guide". There is no such recitation in the claims of the earlier '586 patent, and therefore, the claims are of different scope. A rejection under 35 U.S.C. 101 is therefore believed unwarranted.

To the extent that the Examiner may find any obviousness-type double patenting with reference to the '586 patent, the applicant is submitting herewith a Terminal Disclaimer disclaiming the portion of the term of the patent to issue from the instant application that would extend beyond the appropriate term. As recited in the Terminal Disclaimer, the earlier patent application is the grandparent of this application. If there are any deficiencies in the Terminal Disclaimer, or if the Office requires any additional information or documentation in order to allow the application, the Examiner is requested to telephone the undersigned.

The Examiner further rejected Claims 11-13 under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US Pat. No. 5,180,914). The Examiner stated that the Davis system includes an ion storage quadrupole. It is believed the Examiner is in error in stating that the Davis system includes an ion storage quadrupole. The Examiner's citation of "an ion storage quadrupole" in Davis (col. 10, lines 3-7) refers to a quadrupole field rather than a multipole ion guide formed of parallel rods. The term "quadrupole" has been consistently defined, as is shown the figures in this and prior related patents,

to refer to the structural feature of a "multipole ion guide assembly". This parallel rod structure is not in Davis or in any of the figures (which are dramatically different from the structures shown in the pending application).

Still further, the '468 application uses a two-dimensional ion trap rather than the three-dimensional ion trap which is taught by Davis. As discussed in the '468 application (page 3, lines 17-20), "the three-dimensional ion trap can not be filled and emptied at the same time" (which is Davis). The use of a two-dimensional ion trap clearly distinguishes itself over the prior art by providing a significant increase in duty cycle.

Claim 11 has now been amended in accordance with the distinctions set forth above. Independent Claim 11, as well as Claims 12 and 13 dependent thereon, now specifically recite that the two-dimensional multipole ion guide is comprised of a plurality of spaced apart rods parallel to each other and extending from an entrance end to an exit end. This greatly differs from Davis et al. which discloses a quadrupole electrode structure that provides a field in all four quadrants (see Davis, col.10, lines 3-7).

To the extent the Examiner disagrees with the structural differences between the multipole ion guide of this invention and the quadrupole field of Davis, he is invited to telephone the undersigned to discuss the same.

No new subject matter has been added to the present application. Accordingly, it is believed that all of the pending claims are now allowable.

If any further issue exists with respect to the pending application or if further changes need to be made to the claims, the Examiner is requested to telephone the undersigned for prompt resolution and discussion.

Respectfully submitted,



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